മിസ്റ്റർ ബി. വി. കെ. മേനോൻ: എനിക്കു തോന്നുന്നില്ല.

മിസ്റ്റർ പി. കെ. പോറ്റി: ഇതു പ്രായോഗികമായിട്ടു നടപ്പിൽ വരുത്തുന്നതിനു ഗവണ്മെണ്ടു ചിന്തിക്കുന്നുണ്ടോ?

മിസ്റ്റർ ബി. വി. കെ. മേനോൻ: മുമ്പൊരിക്കൽ അതു പരീക്ഷിച്ചുനോക്കി. അതു നെഗറ്റീവായാണു പരീക്ഷിച്ചതു. അതു തീരെ നിന്നില്ല.

മിസ്റ്റർ പി. കെ. പോറ്റി: ഒൻകൂടി പരീക്ഷിച്ചുനോക്കാൻ വിരോധമുണ്ടോ?

മിസ്റ്റർ ബി. വി. കെ. മേനോൻ: അതു ശരിയാണെന്നു ബോദ്ധ്യപ്പെട്ടാൽ പരീക്ഷിച്ചുനോക്കാം.

T. P. 3 FORMS—PRINTING OF

317. Mr. Paramel Ipe Ipe *(Kunnamkulam)*: Will Government be pleased to state.—

(*a*) the date on which the Malayalam T. P. 3 forms were printed and when were they ready for distribution;

(*b*) the dates on which manuscript T. P. 3 forms were issued from the Kunnamkulm Central Excise Sub-Inspector's Office?

Rao Sahib C. J. Mathew *(Secretary to Government)*:

(*a*) The work of printing Malayalam T. P. 3 forms was taken up in the Government Press on 23rd Edavam 1120 and supplies were made from time to time as and when the printing was completed. The first batch of 370 books (each book containing 200 forms) was ready for delivery in the Press on 5th Mithunam 1120 and they were taken delivery of by the Excise Commissioner on 9th Mithunam 1120.

(*b*) 1st Thulam 1121 to 4th Thulam 1121 and 6th Thulam 1121.

മിസ്റ്റർ വി. ആർ. കൃഷ്ണനെഴുത്തച്ഛൻ: ഈ T. P. 3 forms വേണ്ടെന്നുവെയ്ക്കുവാൻ ഗവണ്മെണ്ടിനു വല്ല വിരോധവുമുണ്ടോ?

റാവുസാഹിബ് സി. ജെ. മാത്യു: ഇതു ബ്രിട്ടീഷിൽ നടപ്പുള്ള ഫാറമാണു്. അവിടത്തെ സിസ്റ്റമാണു് ഇവിടേയും ഫോളോ ചെയ്യുന്നതു്. അതു് അവർ വേണ്ടെന്നുവെച്ചാൽ മാത്രമേ നമുക്കും വേണ്ടെന്നുവെക്കുവാൻ സാധിക്കയുള്ളു.

Mr P. Kumaran Ezhuthassan *(Vadakkancheri)*: May I know, Sir, what these TP 3 forms are for?

Mr. President: I think this requires notice.

LAND ACQUISITION CASES—CONTESTED

318. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Will Governmrnt be pleased to state.—

(*a*) the number of Diwan Peishkar's awards in Land acquisition proceedings contested by the parties in the District Courts of the State during the last 5 years;

(*b*) the difference between the amount of award by the Diwan Peishkar and that allowed by the District Court in cases in (*a*)?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar)*:

(*a*) 151.

(*b*) A statement showing the particulars of cases in which differences allowed is appended. (*Appendix I*)

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): Inviting the Hon'ble Member's attention to that Appendix 121 in number, may I know, Sir, whether from this statistics the Hon'ble Member has been able to form any idea regarding his awards in these land acquisition cases. If necessary I shall be more explicit. Item No. 5 30 to 40, item No. 7 40 to 50, 75 to 100 a cent, then 10 to 45 a cent. These alarmingly high figures are seen to be awarded by the District Court after taking evidence. Will the Hon'ble Member be in a position to say, Sir, whether he has formed any opinion about his own award?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar)*: It is a matter of opinion, no question of information, it is a question of opinion. On the evidence placed before me, I came to one conclusion and on the evidence placed before the Courts they came to another conclusion.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): May I know, Sir, whether the Government have noted that the awards passed by the Diwan Peishkar in very many cases have been very very low as evidenced by these higher awards given by the Court.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. President : Government have taken note of the fact that in many cases the court has substantially increased the Diwan Peishkar's award.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Will the Hon'ble Member be pleased, Sir, to see that the method adopted in passing awards by the Diwan Peishkar are revised and the abnormal difference between the two is reduced to a minimum.

Mr. President : This is a suggestion which will receive attention.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Thank you, Sir. Then another item in the appendix item No. 59 for Rs. 2,020—9—0, can I have the award of the Diwan Peishkar in this matter. How much has been award by the Diwan Peishkar, what is the figure of the award of the Diwan Peishkar. Is it possible to give details ?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* It is not possible.

Mr. P. Sankara Menon *(Trichur-North):* Does the Hon'ble Member know that in many of these cases the Court, as a rule, does not allow costs to the parties.

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* The costs are a matter of discretion. I cannot say there is a general rule.

Mr. P. Sankara Menon *(Trichur-North):* My question is whether as a rule the Courts do not generally grant costs.

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar) :* I do not know.

Mr. V. R. Krishnan Ezhuthassan *(Oorakam) :* May I know if the same prices are allowed by the Diwan Peishkar in the matter of award?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I know, Sir, in these awards which are contested before the District Court what is the minimum cost to the Government for defending that is, putting up the Government's position before the District Court which will vary from case to case according to its nature.

Mr. M. Sivarama Menon *(Advocate-General) :* Except the expenses for witness batta Government have no expenditure for acquisition cases made on their on behalf. Law officers have to conduct such cases.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Is it not expenditure incurred on that account ?

Mr. M. Sivarama Menon *(Advocate-General):* Government pleaders are not paid anything for acquisitions made on behalf of Government on their own account.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* This looks very, I do not know what to say. Will the Government be pleased to see that the contesting of the Diwan Peishkar's awards are reduced to a minimum?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar) :* The percentage is only about 4 per cent or so. The number of awards in these five years is somewhere about 1277 and out of them the number of awards for which three was award of excess compensation and all that, is 70, *i.e.*, 5½ per cent nearly. It is a very small percentage. During these abnormal days when prices are going up day by day, prices that we fix today will not by prices after a few days, and the Courts that sit in judgment seem to be unconsciously influenced to some extent, by the later day conditions. The figures given in my awards would represent, prices of years, 2 and 3 year earlier.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Do the Courts award on the basis of the prices existing then ?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* That is what they ought to.

Mr. P. Sankara Menon *(Trichur-North):* Does the Hon'ble Member say that the valuation is generally based on the date of award or the date of decision ?

Rao Sahib A. Madhva Prabhu *(Diwan Peishkar):* Neither. It is on the date of notification.

Mr. P. Sankara Menon *(Trichur-North):* How can there be any difference in the prices when the Diwan Peishkar and the Court values the property on the same date, date of notification.

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* I have already answered that the court bases the award on the evidence placed before them and I passed my award on the evidence placed before me. Seldom do parties place any evidence before me.

Mr. President : I suggest that the Hon'ble Member had better not seem to criticise the methods of the Court.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri) :* May I know, Sir, whether the Hon'ble Member is right when he said just before, that the Courts pass their awards ....

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. President: I have just asked the Hon'ble Member for Revenue not to press his argument against the Courts. I would now ask the Hon'ble Member not to encourage him to repeat the argument.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Will the Hon'ble Member for Revenue be pleased, Sir, to take note of the present prevailing prices in making his awards in future cases at least?

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* That is what exactly I am always doing.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Can I take, Sir, that awards in the matter of acquisitions for the Tuberculosis sanatorium at Mulankunnathukavu will be based upon the last answer given by the Hon'ble Member, *i.e.*, taking note of the present rising prices.

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* Yes. An officer has been reported to make enquiries about the local prices there. He will stay there for a week and report and based on this report, I shall be fixing the prices?

Mr. P. Kumaran Euzhthassan *(Vadakkancheri):* Will the Hon'ble Member be pleased to take into consideration the present day prices in fixing the prices.

Mr. President: Order, order. The Hon'ble Member is again not really asking for information. He is making a useful suggestion to the Hon'ble Member as to the manner in which, he is to discharge his duties.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am only suggesting that.....

Mr. President: Order, order.

TRAVELLERS' BUNGALOW—KOZHINJAMPARA

319. മിസ്റ്റർ ടി. കെ. എൽ. കുഞ്ഞുവറീത്ത്: താഴെ പറയുന്ന ചോദ്യങ്ങൾക്ക് ബഹു മാനപ്പെട്ട ഗവൺമെണ്ട് മറുപടി പറയാമോ.—

(എ) കൊഴിഞ്ഞാമ്പാറ Travellers' Bungalow അവിടത്തെ ഗവൺമെണ്ട് ഡോക്ടർക്ക് താമസത്തിനു എല്ലിച്ചുകൊടുത്തിട്ട് കൊല്ലം എത്രയായി;

(ബി) ടി. ബി. ഒഴിഞ്ഞുകിട്ടണമെന്നു ഗവൺമെണ്ട് എപ്പോഴെങ്കിലും ഡോക്ടരോട് ആവശ്യപ്പെട്ടിട്ടുണ്ടോ;

(സി) ഉണ്ടെങ്കിൽ അങ്ങിനെ കല്പന അയച്ചതു് എന്നാണു്;

(ഡി) കല്പനകിട്ടിയതിനുശേഷം അദ്ദേഹം എന്നാണു് ഒഴിഞ്ഞുപോയതു്;

(ഇ) ഗവൺമെണ്ട് അദ്ദേഹത്തിന്നയച്ച കല്പനകളുടേയും മറുപടികളും. ഉണ്ടെങ്കിൽ അതുകളുടേയും പകർപ്പുകൾ മേശപ്പുറത്തു വെക്കാമോ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ:

(എ) ഫസൽ കൊല്ലം.

(ബി) ഉവ്വു്.

(സി) ഫ൯—ന—ഫ൯ ൪൯.

(ഡി) ഫ൩—൯—ഫ൯ ൪൯.

(ഇ) ഗവൺമെണ്ട് കല്പനകളുടേയും മറുപടികളുടേയും പകർപ്പുകൾ മേശപ്പുറത്തു വെച്ചിട്ടുണ്ട്.

മിസ്റ്റർ ടി. കെ. എൽ. കുഞ്ഞുവറീത്ത്: ഈ ട്രാവലേഴ്സ് ബങ്കളാവു് ഫസൽ കൊല്ലമായിട്ട് അവിടത്തെ ഡോക്ടർക്കു താമസിക്കുവാൻ കൊടുക്കുന്നതിനു് വല്ല പ്രത്യേക കാരണവുമുണ്ടോ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ: ഡോക്ടർക്കു് താമസിക്കുവാൻ സ്ഥലമില്ലെന്നു് ആക്ഷേപങ്ങൾ കിട്ടിയിരുന്നു. ഈ ട്രാവലേഴ്സ് ബങ്കളാവിൽ അധികം ആളുകൾ താമസിക്കുന്നതായിട്ടു കണ്ടില്ല. അതുകൊണ്ടാണു് ഡോക്ടർക്കു് താമസിക്കുവാൻ കൊടുത്തതു്.

മിസ്റ്റർ ടി. കെ. എൽ. കുഞ്ഞുവറീത്ത്: അവിടെ Heads of Departments ഇൻസ്പെക്ഷനു് പോകാറില്ലേ?

മിസ്റ്റർ വി. കെ. അരവിന്ദാക്ഷമേനോൻ: പോകാറുണ്ടു്. പക്ഷെ അവിടെ അധികം ആളുകൾ താമസിക്കുന്നതായിട്ടു് കണ്ടില്ല. അതുകൊണ്ടാണു് ഇതനുവദിച്ചതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

power to alter the mode of calculation of the fair rent for purposes of renewal fee. There is no point in that argument and the whole question is whether the existing basis of calculation of renewal fee should be changed or not. I have nothing further to add.

Motion, put and carried

Secretary to the Legislative Council: The title of the Bill is the Cochin Tenancy Act (Amendment) Bill.

Mr. M. Sivarama Menon (*Advocate-General*): Sir, I beg to move the Cochin Tenancy Act (Amendment) Bill may be referred to a Select Committee consisting of the mover, the Diwan Peishkar, Messrs. K. T. Achuthan, P. Mani, P. Kumaran Ezhuthassan, C. N. Ittiravi Nambudiripad and Paramel Ipe Ipe.

Rao Sahib A. Madhava Prabhu *(Diwan Peishkar):* I second it.

Mr. Parambi Lonappen (*Irinjalakkuda):* I would suggest the name of Mr. P. Mohammad Ashroff so that one from the Nationalist Party may be included.

Mr. President: Yes.

The committee will submit its report within 3 months and the Advocate-General will be the Chairman of the Committee.

4. Announcement by the President about final elections to the Constitutional Advisory Committee

I have to announee that Mrs. T. Francis and Mr. P. Kumaran Ezhuthassan have withdrawn their candidature to the Constitutional Advisory Committee. There is, hence, no need for an electio n, the remaining four members being nominated. Rao Bahadur T. K. Nayar, Rao Sahib K. Ayyappan, Mr. C. R. Iyyunni and Mr. P. Govinda Menon.

The House rose for the day at 4-55 p.m.

N. S. RADHAKRISHNA SARMA

Secretary to the Legislative Council

APPENDIX I

(Please see answer to Question No. 318)

Statement showing particulars of land acquisition cases in which the District Courts have decreed excess compensation

ANJIKAIMAL DISTRICT COURT

Serial No.	*L. A. Case No.*	*Nature of decree*
1	18/16	Rs. 10 paid in excess of the award for damage to a tank
2	20/16	Rs. 847 10 9 paid in excess of award for buildings
3	15/17	Rs. 127 10 5 paid in excess of the award for buildings
4	22/17	Rs. 103 8 0 paid in excess of the award
5	24/17	Rs. 40 a cent raised to Rs. 50 a cent
6	47/17	Rs. 30 a cent raised to Rs. 40 a cent
7	49/17	Rs. 40 a cent raised to Rs. 50 a cent
8	60/17	Rs. 240 excess paid for land and Rs. 30—10—0 for improvements.
9	13/18	Award enchanced by Rs. 228
10	14/18	do. by Rs. 165
11	16/18	do. by Rs. 483
12	26/18	Rs. 75 a cent raised to Rs. 100 a cent
13	10/19	Rs. 124-12-0 more was paid
14	11/19	Award enchanced by Rs. 68 14 3
15	12/19	do. by Rs. 299 5 0
16	16/19	do. by Rs. 353 12 0
17	19/19	do. by Rs. 161 1 0

LIBRARY ARCHIVES Kerala Legislative Assembly

Serial No.	L. A. Case No.	Nature of decree
18	22/19	Award enchanced by Rs. 120 15 3
19	23/19	do. by Rs. 884 6 5
20	25/19	do. by Rs. 268 4 0
21	29/19	do. by Rs. 52 14 0
22	30/19	do. by Rs. 47 2 0
23	32/19	do. by Rs. 257 8 0
24	41, 42 & 43/19	Rs. 6 a cent raised to Rs. 15 a cent.
25	48/19	Land value of Rs. 40, 60, and 65 respectively a cent raised to Rs. 100 a cent with improvements.
26	45/19	Rs. 57 paid in excess.
27	49/19	Rs. 241 8 0 do.
28	50/19	Rs. 449 15 0 do.
29	51/19	Rs. 37 6 0 do.
30	52/19	Rs. 2 a cent raised to Rs. 10 a cent
31	64/19	Rs. 61 14 2 paid in excess
32	65/19	Rs. 15 a cent raised to Rs. 60 a cent
33	70/19	Rs. 47 7 0 excess paid
34	72/19	Rs. 564 2 0 do.
35	18/20	Rs. 248 0 0 do.
36	25/20	Rs. 704 9 0 do.
37	26/20	Rs. 124 0 0 do.
38	27/20	Rs. 104 5 10 do.

TRICHUR DISTRICT COURT

39	4/20	Rs. 10 0 0 a cent raised to Rs. 45 a cent
40	3/20	Rs. 0 8 0 a cent raised to Rs. 3 a cent
41	7/20	Rs. 2 a cent raised to Rs. 5 a cent
42	40/20	Rs. 6 a cent raised to Rs. 12 a cent
43	11/21	Rs. 30 a cent raised to Rs. 50 a cent
44	8/17	Rs. 204 5 9 awarded by court in excess
45	12/17	Rs. 19 0 6 do.
46	22/17	Rs. 299 0 0 do.
47	24/17	Rs. 43 2 0 do.
48	26/17	Rs. 22 7 0 do.
49	9/18	Rs. 580 12 0 do.
50	12/18	Rs. 23 0 0 do.
51	14/18	Rs. 32 12 0 do.
52	16/18	Rs. 26 5 0 do.
53	18/18	Rs. 41 6 0 do.
54	20/18	Rs. 38 13 0 do.
55	27/18	Rs. 76 0 0 do.
56	30/18	Rs. 90 13 0 do.
57	35/18	Rs. 244 12 8 do.
58	48/18	Rs. 25 14 0 do.
59	51/18	Rs. 2020 9 0 do.
60	1/19	Rs. 1240 3 2 do.
61	3/19	Rs. 323 0 10 do.
62	9/19	Rs. 851 0 0 do.
63	16/19	Rs. 193 7 11 paid in excess
64	20/19	Rs. 34 8 0 do.
65	1/20	Rs. 700 11 4 do.
66	2/20	Rs. 511 15 4 do.
67	5/20	Rs. 161 0 0 do.
68	8/20	Rs. 52 13 0 do.
69	13/20	Rs. 45 12 6 do.
70	19/20	Rs. 57 8 0 do.

LIBRARY ARCHIVES Kerala Legislative Assembly